

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) LMK-100US	
	Application Number 10/762,879	Filed January 22, 2004
	First Named Inventor Joseph H. Holland et al.	
	Art Unit 2445	Examiner Jeffrey R. Swearingen

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
 Note: No more than five (5) pages may be provided.


I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
 See 37 CFR 3.7.1 Statement under 37 CFR 3.73(b) is enclosed.
 (Form PTO/SB/96)

☒ attorney or agent of record.
 Registration number 34,515

☐ attorney or agent acting under 37 CFR 1.34.
 Registration number if acting under 37 CFR 1.34 _____



 Signature

Lawrence E. Ashery

 Typed or printed name

610-407-0700

 Telephone number

June 23, 2010

 Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 3 forms are submitted

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Claims 1-3, 5-7, 9, 12, 14-16 and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ryan (U.S. 2002/0010743) in view of Cseri (U.S. 5,623,591). The rejection is respectfully traversed.

The Official Action argues that all features of Applicants' claim 1 are found in the prior art. Applicants respectfully disagree. Claim 1 recites:

... displaying the sections each of the users has access to as
a respective common layer of the common spreadsheet ...

This feature is supported by the originally filed application at page 7, lines 7-14 which refers to Fig. 3 in which multilayer information is displayed in a single layer. The Official Action argues that Cseri discloses displaying the sections each of the users has access to as a respective common layer of the common spreadsheet. The Official Action also refers to Cseri, Fig. 2A. However, Applicants' representative has looked at Fig. 2A of Cseri and has not found the above quoted feature from claim 1. Cseri Fig. 2A shows a single layer of a single spreadsheet. How the single layer of the single spreadsheet reads on Applicants' claimed "respective common layer" for each of the "sections each of the users has access to" is lacking from the argument provided in the Official Action. For the reference to be a correct reference, multiple users, each with their own respective layer of the spreadsheet would need to be disclosed. As this feature is not disclosed in Cseri, claim 1 is patentable over the combination of Ryan and Cseri.

Applicants' claim 1 includes a further feature not found in the references of record, namely:

... wherein any of said sections to which any of the users has
been prevented access are not displayed in each of the
users' respective common layer ...

Refer, for example, to Applicants' Fig. 3. Note how PHart has access to all of the human resources data while Jyu has access to only the hourly maintenance subsection of the human resources data.

Because Ryan assigns users to spreadsheets on a per layer basis, it would be completely impossible for Ryan to permit partial overlap of authorized sections of the spreadsheet as is achieved by Applicants. Thus, the Examiner combined Ryan with Cseri. In that regard, the Official Action refers to Fig. 6F of Cseri. Fig. 6F of Cseri,

however, has nothing to do with “any of said sections to which any of the users has been prevented access are not displayed in each of the users respective common layer.” In this regard, the Official Action is not understood. Applicants’ representative understands that the Official Action has argued that Ryan, paragraphs [0106] and [0107] discloses password protection of respective layers. The Official Action, however, draws no conclusion how this feature of Ryan is combined with Cseri’s ability to designate overlapping cells with regards to the prevention of cell display in each users respective layer.

KSR requires articulated reasoning for combining references. The requisite articulated reasoning is lacking from the present Official Action. Accordingly, the rejection is improper and should be withdrawn.

Claim 12, while not identical to claim 1, is also patentable over the art of record for reasons similar to those set forth above with regard to claim 1.

Claims 18 and 19, while also not identical to claim 1, are patentable over the art of record for reasons similar to those set forth above with regard to claim 1.

The dependent claims are patentable by virtue of their dependency on allowable independent claims.

This application is in condition for allowance which action is respectfully requested.